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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Dutta et al.                    § Group Art Unit: 2175  
Serial No.: 09/817,111               §  
Filed: 03/26/2001                   § Examiner: Rimell, S.  
For: Method and system for           §  
operating a rating server           §  
based on usage and download       §  
patterns within a                   §  
peer-to-peer network               §

5    DECLARATION UNDER 37 C.F.R. § 1.131

To the Commissioner for Patents:

Rabindranath Dutta declares as follows:

10    1. I am an applicant for the patent application entitled  
"Method and system for operating a rating server based on  
usage and download patterns within a peer-to-peer  
network", U.S. Patent Application Serial Number  
15    09/817,111, filed March 26, 2001, and an inventor of the  
subject matter described and claimed therein.

20    2. Prior to October 30, 2000, I completed and reduced to  
practice, in the United States of America, the invention  
described and claimed in the above-noted application, as  
evidenced by the following:

25    (a) I created IBM Invention Disclosure Form  
AUS8-2000-1323, a document of which a copy is  
attached hereto as Exhibit "A", which describes the  
invention that is described and claimed in the  
subject application.

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3. Each of the dates deleted from Exhibit "A" is prior to October 30, 2000.

5 4. I further declare that all statements made herein of  
my own knowledge and all statements made on information  
and belief are believed to be true; and further that these  
statements are made with the knowledge that willful and  
false statements and the like so made are punishable by  
10 fine or imprisonment or both under § 1001 of Title 18 of  
United States Code and that such willful and false  
statements may jeopardize the validity of the  
above-referenced application and any patent issuing  
therefrom.

15 FURTHER DECLARANT SAYETH NOT.

20 Rabindranath Dutta Date: Feb 4, 2004  
Rabindranath Dutta